

REMARKS

By this amendment, claims 1, 4-21 have been amended. Claims 1-21 remain in the application. Support for the amendments can be found in the specification and drawings. No new matter has been added. This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance of the application, as amended, is respectfully requested.

Objections to the claims

Claims 4-15 and 18-20 stand objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and cannot depend from any other multiple dependent claims. This objection is respectfully traversed for at least the following reason. Claims 1-15 and 18-20 have been amended herein to remove multiple dependencies of the same. Accordingly, the objection to the claims is now overcome.

Claims 1, 9, 18, and 21 stand objected to because of informalities, in which, the claims refer to item numbers from the figures. This objection is respectfully traversed for at least the following reason. Appropriate correction has been made to claims 1, 9, 18 and 21, as amended herein, to remove reference to item numbers previously contained in the respective claims. Accordingly, the objection to the claims is now overcome.

Rejection under 35 U.S.C. §101

Claim 20 stands rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is respectfully traversed for at least the following reason. As presented herein, claim 20 has been amended, in part, to recite a computer-readable medium embodying a computer program . . . , and thus now renders the same as being directed to statutory subject matter. Rejection of the claim is now believed overcome.

Rejection under 35 U.S.C. §103

CLAIM 1

Claim 1 recites a method for reducing motion blur of images of a video signal shown on a hold-type display, comprising:

- estimating motion vectors of moving components in said images of said video signal;
- band-pass filtering said video signal with respect to a spatial frequency domain, wherein said band-pass filtering at least partially depends on said estimated motion vectors, and wherein with increasing length of said estimated motion vectors, the passband of said band-pass filtering adaptively shifts from high spatial frequencies to medium spatial frequencies, wherein band-pass filtering includes anti-blur filtering performed with an anti-blur filter that comprises a one-dimensional filter with a variable tap spacing that depends on said length of said estimated motion vectors; and
- combining said video signal and said band-pass filtered video signal to produce an input video signal for said hold-type display.

Support for the amendments to claim 1 (as well as claim 21) can be found in the specification on at least page 10, lines 26-34; page 11, lines 1-5; page 12, lines 3-6; page 15, lines 11-13 and 17-25; page 16, lines 1-4 and 33-34; page 17, lines 1-20; page

19, lines 25-30; page 20, lines 8-17; and FIG. 11, 12, 14, 15a, 15b, and 18 as originally filed.

Claims 1-3, 16-17, and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over De Haan et al. (2003/0006991; hereinafter “**De**”) in view of De Haan et al. (US 5,903,680; hereinafter “**De2**”). With respect to claim 1, Applicant respectfully traverses this rejection on the grounds that these references are defective in establishing a *prima facie* case of obviousness.

As the PTO recognizes in MPEP § 2142:

*... The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness ...*

It is submitted that, in the present case, the examiner has not factually supported a *prima facie* case of obviousness for at least the following reasons.

1. Even When Combined, the References Do Not Teach the Claimed Subject Matter

The **De** and **De2** references cannot be applied to reject claim 1 under 35 U.S.C. §103 which provides that:

A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, since neither **De** nor **De2** teaches a method featuring an adaptive band pass filter which “includes anti-blur filtering performed with

an anti-blur filter that comprises a one-dimensional filter with a variable tap spacing that depends on said *length* of said estimated motion vectors" (emphasis added) as is claimed in claim 1, it is impossible to render the subject matter of claim 1 as a whole obvious, and the explicit terms of the statute cannot be met.

For this reason, the examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

2. The Combination of References is Improper

Assuming, arguendo, that the above argument for non-obviousness does not apply (which is clearly not the case based on the above), there is still another compelling reason why the **De** and **De2** references cannot be applied to reject claim 1 under 35 U.S.C. §103.

§ 2142 of the MPEP also provides:

...the examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made.....The examiner must put aside knowledge of the applicant's disclosure, refrain from using hindsight, and consider the subject matter claimed 'as a whole'.

Here, neither **De** nor **De2** teaches, or even suggests, the desirability of the combination since no one of the references teach the adaptive band pass filter which "includes anti-blur filtering performed with an anti-blur filter that comprises a one-dimensional filter with a variable tap spacing that depends on said *length* of said estimated motion vectors" as specified above and as claimed in claim 1.

Thus, it is clear that none of the references provides any incentive or motivation supporting the desirability of the combination. Therefore, there is simply no basis in the art for combining the references to support a 35 U.S.C. §103 rejection.

In this context, the MPEP further provides at § 2143.01:

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

In the above context, the courts have repeatedly held that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination.

In the present case it is clear that the combination presented in the Office Action arises solely from hindsight based on the invention without any showing, suggestion, incentive or motivation in either reference for the combination as applied to claim 1. Therefore, for this reason, the examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Claims 2-3 and 16-17 depend from and further limit independent claim 1 and therefore are allowable as well. The 35 U.S.C. § 103(a) rejection thereof has now been overcome.

With respect to claim 21, the same has been amended herein in a similar manner as with respect to the amendment to claim 1. Claim 21 is thus believed allowable over the Da and Da2 references for the reasons stated herein above with respect to overcoming the rejection of claim 1. Accordingly, claim 21 is allowable and an early notice thereof is requested. The 35 U.S.C. § 103(a) rejection thereof has now been overcome.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce

Appl. No. 10/580,675
Response to Office Action of August 3, 2009

PATENT
Docket No. NL031432US1
Customer No. 000024737

subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1 and 21 are in condition for allowance. Claims 2-20 depend from and further limit independent claim 1 and therefore are allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-21 is requested.

Respectfully submitted,

/Michael J. Balconi-Lamica/

Michael J. Balconi-Lamica
Registration No. 34,291
for Edward Goodman, Reg. No. 28,613

Dated: November 2, 2009
Philips Intellectual Property & Standards
345 Scarborough Road
Briarcliff Manor, New York 10510
Telephone: 914-333-9611
Facsimile: 914-332-0615
File: NL031432US1

a-32658.306